

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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BARUCH SANDHAUS,

Index No.:

Date Purchased:

**SUMMONS**

Plaintiff(s),

Plaintiff(s) Designate(s)

Kings

-against-

County as the place of trial

The basis of venue is:

YESHIVA AND MESIVTA TORAH TEMIMAH,  
INC., a/k/a YESHIVA & MESIVTA TORAH  
TEMIMAH, INC., f/k/a YESHIVA TORAH  
VODAATH OF FLATBUSH, INC., JOEL KOLKO  
a/k/a YEHUDA KOLKO, and YOEL FALK a/k/a  
JOEL FALK,

Defendant's Place of Business

Defendant(s),

Plaintiff(s) reside(s) at:

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Miami Beach, Florida 33140

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Rockville Centre, New York  
August 12, 2019

Defendant's address:

YESHIVA AND MESIVTA TORAH  
TEMIMAH, INC.  
555 OCEAN PARKWAY  
BROOKLYN, NEW YORKLAW OFFICES OF JOSEPH B. STRASSMAN  
Attorneys for Plaintiff(s)  
Office and P.O. Address  
11 Clinton Avenue  
Rockville Centre, New York 11570  
Phone: (516) 766-7007  
Fax: (516) 442-5765JOEL KOLKO  
2317 AVENUE K  
BROOKLYN, NEW YORKYOEL FALK a/k/a JOEL FALK  
1262 44<sup>th</sup> STREET, APT. 1A  
BROOKLYN, NEW YORK

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS-----X  
BARUCH SANDHAUS,

Plaintiff,

-against-

VERIFIED COMPLAINTYESHIVA AND MESIVTA TORAH TEMIMAH,  
INC., a/k/a YESHIVA & MESIVTA TORAH  
TEMIMAH, INC., f/k/a YESHIVA TORAH VODAATH  
OF FLATBUSH, INC., JOEL KOLKO a/k/a YEHUDA  
KOLKO, and YOEL FALK a/k/a JOEL FALK,Defendants.  
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The plaintiff, by his attorneys, the LAW OFFICES OF JOSEPH B. STRASSMAN, complaining of the defendants, respectfully sets forth and alleges as follows:

1. The plaintiff is over the age of twenty-one and is a resident of Miami Beach, Florida.
2. That at all relevant times, the defendant YESHIVA AND MESIVTA TORAH TEMIMAH, INC., (YESHIVA) is a not-for-profit religious corporation organized and existing pursuant to the Religious Corporation Law of the State of New York, having its principal place of business at 555 Ocean Parkway, Brooklyn, New York.
3. That prior to the defendant YESHIVA operating as YESHIVA AND MESIVTA TORAH TEMIMAH, INC., the YESHIVA was known by and operated under the name "Yeshiva Torah Vodaath of Flatbush, Inc."
4. That at all times relevant, the YESHIVA employed the defendant known as YEHUDA KOLKO a/k/a JOEL KOLKO (KOLKO) as a teacher, rabbi, and/or counselor at its school, the Yeshiva.
5. That at all times relevant, the YESHIVA employed the defendant known as "Rabbi

Yoel Falk" a/k/a Joel Falk (FALK) as a teacher, rabbi, and/or counselor at its school, the Yeshiva.

6. That at all relevant times herein, the leader of the YESHIVA was Rabbi Lipa Margulies, a/k/a Leopold Margulies (Margulies)
7. That at all relevant times herein, defendant KOLKO worked under the supervision of Margulies.
8. That at all relevant times herein, defendant FALK worked under the supervision of Margulies.
9. That during the period between 1978 and 1980, the plaintiff was a student at the YESHIVA.
10. That at al relevant times herein, the plaintiff came under the supervision and control of defendant KOLKO.
11. That at al relevant times herein, the plaintiff came under the supervision and control of defendant FALK.
12. That at various times and places on YESHIVA premises, while a student, defendant KOLKO would inappropriately touch the penis and other parts of the plaintiff's body.
13. That at various times and places on YESHIVA premises, while a student, defendant FALK would inappropriately touch the penis and other parts of the plaintiff's body.
14. That at all relevant times, the plaintiff, and his family, placed their trust in the YESHIVA and its representatives. In particular, the plaintiff reposed trust and confidence in the integrity of defendants KOLKO and FALK. With the authorization and knowledge of the YESHIVA, defendants KOLKO and FALK asserted their positions of trust and confidence and used it to gain influence with the plaintiff, as

well as assume control over him.

15. Defendants KOLKO and FALK exploited their positions of power and trust together with easy access to the then infant plaintiff in committing heinous acts of sexual abuse on numerous occasions over a period of years.
16. That prior to and during the period of years that KOLKO and FALK abused the plaintiff, the YESHIVA, and specifically Margulies, received multiple credible reports of sexual abuse by defendants KOLKO and FALK by YESHIVA students, and others. Instead of accepting responsibility or at a minimum conducting a good faith investigation, Margulies as director and managing agent of the Yeshiva, and in concert with defendants KOLKO and FALK and others, engaged in a campaign of intimidation, concealment, denial, and misrepresentations to prevent victims from filing civil lawsuits and/or obtaining facts necessary to bring civil claims.

**AS AND FOR A FIRST CAUSE OF ACTION IN NEGLIGENCE**

17. The plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation contained in the above Paragraphs 1 through 16.
18. At all material times, YESHIVA owed a duty to plaintiff to use reasonable care to ensure the safety, care, well being and health of the plaintiff while he was under their care, custody or in the presence of their agents or employees. YESHIVA's duties encompassed the hiring, screening, appointment, retention and/or supervision of defendants KOLKO and FALK and otherwise providing a safe environment for the plaintiff.
19. At all material times, the YESHIVA knew or should have known that defendants KOLKO and FALK were sexually abusing young male students, including the

plaintiff, under its supervision or control. YESHIVA knew or should have known of defendants KOLKO's and FALK's dangerous sexual predispositions and/or that they were otherwise unfit, dangerous and a threat to the health, safety and welfare of the minors entrusted to their counsel, care and protection in the course of their duties at the YESHIVA.

20. The YESHIVA breached its duty of care and was negligent by failing to protect the minor plaintiff from sexual assault and lewd and lascivious acts committed by its agents and/or employees, defendants KOLKO and FALK. Despite their knowledge regarding defendants KOLKO's and FALK's dangerous propensities and activities, the YESHIVA failed to take any remedial action, conduct a good faith investigation, and/or place restrictions on defendants KOLKO's and FALK's duties and interactions with minors, and/or timely terminate the employment of KOLKO and FALK.
21. At all relevant times, the YESHIVA had grossly inadequate policies and procedures to protect children they were entrusted to care for and protect, including plaintiff BARUCH SANDHAUS, as well as other students.
22. As a direct and proximate result of the YESHIVA's negligence, plaintiff BARUCH SANDHAUS was repeatedly sexually abused by KOLKO and FALK between 1978-1980 while he was a student at the YESHIVA.
23. The sexual abuse has caused plaintiff BARUCH SANDHAUS to suffer severe and permanent psychological, emotional and physical injuries, loss of enjoyment of life, as well as attendant economic losses. Plaintiff's injuries are persistent, permanent, and debilitating in nature.

24. Plaintiff's damages exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

**AS AND FOR A SECOND CAUSE OF ACTION-  
BREACH OF FIDUCIARY DUTY**

25. The plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation contained in the above Paragraphs 1 through 23.
26. At all relevant times, defendants KOLKO and FALK occupied and accepted positions as fiduciaries to the plaintiff BARUCH SANDHAUS as counselors and advisors, in a relationship of trust and confidence.
27. The YESHIVA knew that defendants KOLKO and FALK had a fiduciary relationship with plaintiff BARUCH SANDHAUS, and in fact authorized defendants KOLKO and FALK to act as its agents in counseling and advising plaintiff BARUCH SANDHAUS. Accordingly, YESHIVA was also in a fiduciary relationship with plaintiff.
28. The YESHIVA breached its fiduciary duties to plaintiff by allowing defendants KOLKO and FALK to serve as plaintiff's rabbis, teachers, counselors, and advisors despite knowledge of their dangerous sexual propensities.
29. That defendants VOLKO and FALK breached their fiduciary duties to the plaintiff.
30. As a direct and proximate result of the YESHIVA's failure to remove defendants KOLKO and FALK from their duties and/or otherwise take remedial action upon receiving allegations of sexual abuse by defendants KOLKO and FALK, plaintiff BARUCH SANDHAUS was sexually abused.
31. The sexual abuse has caused plaintiff BARUCH SANDHAUS to suffer severe and permanent psychological, emotional and physical injuries and loss of enjoyment of

life, as well as attendant economic losses. Plaintiff's injuries are persistent, permanent, and debilitating in nature.

32. Plaintiff's damages exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

**AS AND FOR A THIRD CAUSE OF ACTION-  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

33. The plaintiff repeats and re-alleges, as if fully set forth herein, each and every allegation contained in the above Paragraphs 1 through 31.
34. Defendants KOLKO and FALK tortiously assaulted, molested, and otherwise sexually abused plaintiff BARUCH SANDHAUS on multiple occasions during plaintiff's childhood.
35. Defendants KOLKO and FALK committed the above acts in the course of their employment with the YESHIVA, acting as agents and employees thereof.
36. That the above intentional acts have caused plaintiff BARUCH SANDHAUS to suffer severe and permanent psychological, emotional and physical injuries and loss of enjoyment of life, as well as attendant economic losses. Plaintiff's injuries are persistent, permanent, and debilitating in nature.

WHEREFORE, plaintiff BARUCH SANDHAUS demands judgment on all of the above causes of action against the defendants in an amount in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter, together with costs and disbursements of this action.

Dated: Rockville Centre, New York  
August 12, 2019

Yours, etc.,

  
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LAW OFFICES OF JOSEPH B. STRASSMAN

By: Joseph B. Strassman, Esq.

Attorneys for Plaintiff

Office and P.O. Address

11 Clinton Avenue

Rockville Centre, New York 11570

(516) 766-7007



## VERIFICATION

9 of 10

**INDEX NO.**

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**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

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**BARUCH SANDHAUS,**

**Plaintiff(s),**

**- against -**

**YESHIVA AND MESIVTA TORAH TEMIMAH, INC.,  
a/k/a YESHIVA & MESIVTA TORAH TEMIMAH, INC.,  
f/k/a YESHIVA TORAH VODAATH OF FLATBUSH, INC.,  
JOEL KOLKO a/k/a YEHUDA KOLKO, and YOEL FOLK  
a/k/a JOEL FALK,**

**Defendant(s).**

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**SUMMONS AND VERIFIED COMPLAINT**

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**LAW OFFICES OF JOSEPH B. STRASSMAN**

**Attorneys for Plaintiff(s)**

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